UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

Edward Butowsky, in his personal and	§
professional capacities,	§
	§
Plaintiff,	§
	§ CIVIL ACTION NO.
v.	§
	§ 4:19-CV-180
Michael Gottlieb, Meryl Governski, Boies	§
Schiller Flexner LLP, Brad Bauman, The	§
Pastorum Group, Leonard A. Gail, Eli J. Kay-	§
Oliphant, Suyash Agrawal, Massey & Gail	§
LLP, Arun Subramaniam, Elisha Barron,	§
Gloria Park, Turner Broadcasting System, Inc.,	§
Anderson Cooper, Gary Tuchman, Oliver	§
Darcy, Tom Kludt, The New York Times	§
Company, Alan Feuer, Vox Media, Inc., Jane	§
Coaston, and The Democratic National	§
Committee,	§
	§
Defendants.	§

DECLARATION OF ALISON H. MOORE IN SUPPORT OF M&G DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)

I, Alison H. Moore, make this declaration under penalty of perjury under the laws of the United States:

- 1. My name is Alison H. Moore. I am over the age of eighteen, of sound mind, and am otherwise fully competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.
- 2. I am an attorney with Thompson, Coe, Cousins & Irons, L.L.P. ("TCCI") and counsel of record for Defendants Leonard A. Gail, Eli J. Kay-Oliphant, Suyash Agrawal, and Massey & Gail L.L.P. ("M&G Defendants") in the above-captioned action.

Declaration of Alison H. Moore in Support of M&G Defendants' Motion to Dismiss for Failure to State a Claim 1 of 3

- 3. I am making this declaration in support of M&G Defendants' Motion to Dismiss for Failure to State a Claim and without waiving any of the defenses in M&G Defendants' Motion to Dismiss for Lack of Personal Jurisdiction that has been filed previously in this action.
- 4. Attached as Exhibit A-1 to this declaration is a true and correct copy of the Complaint (Dkt. 1) filed in the lawsuit styled *Rich v. Fox News Network, LLC, et al.*, 1:18-cv-02223-GBD (S.D.N.Y Mar. 13, 2018) (the "Rich Lawsuit").
- 5. Attached as Exhibit A-2 to this declaration is a true and correct copy of the case information page for the pending appeal of the Rich Lawsuit styled *Rich v. Fox News Network*, *LLC*, *et al.*, No. 18-2321 (2d Cir. filed Aug. 7, 2018).
- 6. Attached as Exhibit A-3 to this declaration is a true and correct copy of the Original Petition filed in the lawsuit styled *Butowsky v. Susman Godfrey, LLP*, No. 41-0122-2019 (426th Dist. Ct., Collin Cty., Tex. May 22, 2019) (the "SG Lawsuit").
- 7. Attached as Exhibit A-4 to this declaration is a true and correct copy of the Motion To Dismiss filed in the SG Lawsuit (without attachments).
- 8. Attached as Exhibit A-5 to this declaration is a true and correct copy of the Response In Opposition To Motion To Dismiss filed in the SG Lawsuit (without attachments).
- 9. Attached as Exhibit A-6 to this declaration is a true and correct copy of the Order Granting Motion To Dismiss entered in the SG Lawsuit.
- 10. Attached as Exhibit A-7 to this declaration is a true and correct copy of a press release issued on March 13, 2018 entitled "Parents Of Seth Rich Seek Justice For Exploitation Of Their Son's Murder."
- 11. Attached as Exhibit A-8 to this declaration is a true and correct copy of a transcript of a television interview given by Defendant Leonard A. Gail on March 15, 2018. The

transcript was created by a legal secretary employed by TCCI from a video clip of the interview, which may be accessed using the following link: https://www.msnbc.com/andrea-mitchell-reports/watch/attorney-for-parents-of-seth-rich-explains-fox-news-lawsuit-1186748483675?cid=sm_npd_ms_fb_ma (last accessed June 24, 2019).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 1st day of July, 2019, in Dallas, Texas.

/s/ Alison H. Moore
Alison H. Moore